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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/824,135 | 04/13/2004 | Yutaka Ueda | KON-1872 | 6453 |
| 20311 7590 08/07/2007 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016 | | | EXAMINER CHIO, TAT CHI | |
| | | | ART UNIT 2621 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|-----------------------------|--|
| Office Action Summary | Application No. 10/824,135 | Applicant(s) UEDA ET AL. | |
| | Examiner Tat Chi Chio | Art Unit 2621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7, 9, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukuchi (US 7,057,986 B2).

Consider claim 1, Fukuchi teaches an input data recording apparatus comprising; an input device to input a data file of a specific type and data files of other types (612 and 613 of Fig. 1), a data transfer device to transfer the inputted data file of specific type and data files of other types to a data file in a data storage device (the wire between 619 and 610 of Fig. 1), a data reading device to read the transferred data file of specific type and data files of other types to a data file from the data storage device (609 of Fig. 1), and a data recording device to record the read data file of specific type and data files of other types on a disk-shaped recording medium (609 and 100 of Fig. 1), wherein the data recording device refer to the order of data seek in the data reproducing apparatus that reproduce the data file of specific type, and records the data of the data file of specific type in the area that can be scanned by the data reproducing

apparatus (610 of Fig. 1, since the FIFO buffer is used in the system, the data recording device refer to the order of data seek in the data reproducing apparatus).

Consider claims 2 and 9, Fukuchi teaches an input data recording apparatus comprising; an input device to input a data file of specific type and data files of other types (612 and 613 of Fig. 1), a data transfer device to transfer the inputted data file of specific type and data files of other types to a data file in a data storage device (the wire between 619 and 610 of Fig. 1), a data reading device to read the transferred data file of specific type and data files of other types to the data file from the data storage device (609 of Fig. 1), and a data recording device to record the read data file of specific type and data files of other types on a disk-shaped recording medium (609 and 100 of Fig. 1), wherein the data file of specific type is recorded in the area inside the area for recording the data files of other types on the disk-shaped recording medium (Fig. 8 shows that the data file of specific type is recorded in the area inside the area for recording the data files of other types on the disk-shaped recording medium.).

Consider claim 3, Fukuchi teaches an input data recording apparatus comprising; an input device to input a plurality of types of data files (612 and 613 of Fig. 1), a data transfer device to transfer the inputted plurality of types of data files to a data file in a data storage device (the wire between 619 and 610 of Fig. 1), a data reading device to read the transferred plurality of types of data file from the data storage device (609 of Fig. 1), and a data recording device to record the read plurality of types of data files on a disk-shaped recording medium (609 and 100 of Fig. 1), wherein the data recording device refer to the order of data seek in the data reproducing apparatus that

reproduce a data file of specific type in the plurality of types of data file, and records the data of the data file of specific type in the area that can be scanned by the data reproducing apparatus (610 of Fig. 1, since the FIFO buffer is used in the system, the data recording device refer to the order of data seek in the data reproducing apparatus).

Consider claims 4 and 11, Fukuchi teaches an input data recording apparatus comprising; an input device to input a plurality of types of data files (612 and 613 of Fig. 1), wherein the data files includes a specific type of data file and other types of data file, a data transfer device to transfer the inputted plurality of types of data files to a data file in a data storage device (the wire between 619 and 610 of Fig. 1), a data reading device to read the transferred plurality of types of data file from the data storage device (609 of Fig. 1), and a data recording device to record the plurality of types of data files on a disk-shaped recording medium (609 and 100 of Fig. 1), wherein the data file of specific type is recorded in the area inside the area for recording the data files of other types on the disk-shaped recording medium (Fig. 8 shows that the data file of specific type is recorded in the area inside the area for recording the data files of other types on the disk-shaped recording medium.).

Consider claim 5, Fukuchi teaches the input data recording apparatus, further comprising of: a data conversion device for converting the inputted data file into the specific type of data file (619 of Fig. 1).

Consider claim 7, Fukuchi teaches The input data recording apparatus, further comprising: an instruction signal device for performing a processing in one operation (607 of Fig. 1), wherein the processing including inputting of data file by the input

device, or inputting of data file by the input device, conversion of the data file by the data conversion device, and recording of the data file onto the disk-shaped recording medium by the data recording device.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuchi (US 7,057,986 B2).

Consider claims 6 and 12, Fukuchi teaches the input data recording apparatus, wherein the data files of other types includes at least one of the data file that can be scanned by a computer and the data file regarding a music/sound data (Fig. 1 and Fig. 8) but fail to explicitly teach the data file of a specific type includes at least one of the data file of Video-CD format, and the Video-CD format, and HDTV format.

The examiner takes the official notice that it is advantageous to use HDTV format as the data file of a specific type since it is well-known in the art that the HDTV format provides higher quality than the non-HDTV format, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use HDTV format.

5. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuchi (US 7,057,986 B2) in view of Yokota (US 6,249,641 B1).

Consider claim 8, Fukuchi teaches the input data recording method comprising steps of: inputting a data file of a specific type and data files of other types (612 and 613 of Fig. 1), transferring the inputted data file of specific type and data files of other types to a data storage device (the wire between 619 and 610 of Fig. 1), reading the transferred data file of specific type from the data storage device (609 of Fig. 1), recording the read data file of specific type on a disk-shaped recording medium (609 and 100 of Fig. 1) reading the transferred data files of other types from the data storage device (609 of Fig. 1), and recording the read data files of other types on a disk-shaped recording medium (609 and 100 of Fig. 1) but fails to teach the recorded area on the disk-shaped medium can be scanned by the data reproducing apparatus is restricted.

Yokota teaches the recorded area on the disk-shaped medium can be scanned by the data reproducing apparatus is restricted (claim 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a disk-shaped medium in which the recorded area that can be scanned by the data reproducing apparatus is restricted for better compatibility.

Consider claim 10, Fukuchi and Yokota teach an input data recording method comprising steps of; inputting a plurality of types of data files (612 and 613 of Fig. 1 of Fukuchi), transferring the inputted plurality of types of data files to a data file in a data storage device (the wire between 619 and 610 of Fig. 1 of Fukuchi), reading the transferred plurality of types of data file from the data storage device (609 of Fig. 1 of

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Fukuchi), and recording the read data file of specific type in the plurality of types on a disk-shaped recording medium (609 and 100 of Fig. 1 of Fukuchi), so that the recorded area on the disk-shaped medium can be scanned by the data reproducing apparatus is restricted (claim 5 of Yokota), reading the transferred data files of other types from the data storage device (609 of Fig. 1 of Fukuchi), and recording the read data files of other types on a disk-shaped recording medium (609 and 100 of Fig. 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tat Chi Chio whose telephone number is (571) 272-9563. The examiner can normally be reached on Monday - Thursday 8:30 AM-6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TCC

Mehrdad Dastouri
MEHRDAD DASTOURI
SUPERVISORY PATENT EXAMINER
TC 2600
for Thai Tran